



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

August 6, 2018

Memorandum for: Deputy Commissioner, Trials

Re: **Sergeant Gerard Long**
Tax Registry No. 920516
Fleet Services Division
Disciplinary Case No. 2017-17372

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on May 22, 2018, charged with the following:

DISCIPLINARY CASE NO. 2017-17372

1. Said Sergeant Gerard Long, while assigned to the 34th Precinct, on or about November 18, 2015, after becoming aware that his girlfriend, Person A had been arrested in connection with a Federal investigation involving money laundering and after being interviewed by the Drug Enforcement Administration regarding the incident, failed to notify the Department, as required. *(As amended)*

P.G. 207-21, Page 1-2

**ALLEGATIONS OF CORRUPTION
AND OTHER MISCONDUCT AGAINST
MEMBERS OF THE SERVICE**

2. Said Sergeant Gerard Long, while assigned to the 34th Precinct, on or about and between November 18, 2015 and June 26, 2016, knowingly associated with Person A, a person believed to be engaged in, likely to be engaged in, or to have engaged in criminal activities. *(As amended)*

P.G. 203-10, Page 1, Paragraph 2

**PUBLIC CONTACT – PROHIBITED
CONDUCT**

3. Said Sergeant Gerard Long, while assigned to the 34th Precinct, on or about and between November 24, 2016, and March 24, 2017, failed and neglected to notify the Department of his change in home address. *(As amended)*

P.G. 203-24, Page 1, Paragraph 1-9

**PERSONAL INFORMATION VIA
DEPARTMENT INTRANET**

4. Said Sergeant Gerard Long, while assigned to the 34th Precinct, on or about March 24, 2017 and September 27, 2017, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Sergeant, during official Department interviews, wrongfully made inaccurate or misleading statements as to lease payments regarding a Barber Shop/Hair Salon. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT – PROHIBITED CONDUCT

5.Said Sergeant Gerard Long, while assigned to the 34th Precinct, on or about and between May 11, 2016 and January 18, 2018, knowingly associated with Person B, a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities. *(As amended)*

P.G. 203-10, Page 1, Paragraph 2

PUBLIC CONTACT – PROHIBITED CONDUCT

In a Memorandum dated June 25, 2018, Assistant Deputy Commissioner Jeff S. Adler found Sergeant Long Guilty of Specification Nos. 1,2,3 and 4, and Not Guilty of Specification No. 5 in Disciplinary Case No. 2017-17372. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

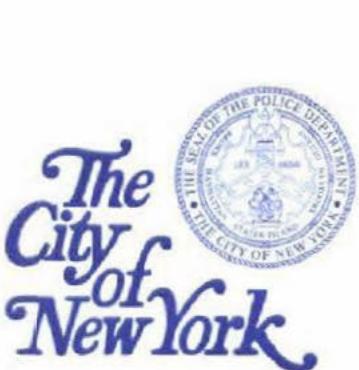
The Respondent's misconduct is egregious and warrants separation from the Department. However, instead of an outright dismissal from the Department, I will permit an alternative manner of separation from the Department for the Respondent at this time.

It is therefore directed that an *immediate* post-trial negotiated agreement be implemented with Sergeant Long in which he shall immediately file for Service Retirement, forfeit thirty (30) suspension days (to be served), waive all time and leave balances (excluding terminal leave), be placed on one (1) year dismissal probation and retire from the Department while on Modified Assignment.

Such Service Retirement shall also include Sergeant Long's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Sergeant Long does not agree to the terms of this Service Retirement agreement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.



James P. O'Neill
Police Commissioner



POLICE DEPARTMENT

The
City
of
New York

June 25, 2018

X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2017-17372
Sergeant Gerard Long	:	
Tax Registry No. 920516	:	
Fleet Services Division	:	

X

At: Police Headquarters
 One Police Plaza
 New York, New York 10038

Before: Honorable Jeff S. Adler
 Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Jamie Moran, Esq.
 Department Advocate's Office
 One Police Plaza
 New York, NY 10038

For the Respondent: John D'Alessandro, Esq.
 The Quinn Law Firm
 Crosswest Office Center
 399 Knollwood Road – Suite 220
 White Plains, NY 10603

To:

HONORABLE JAMES P. O'NEILL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

CHARGES AND SPECIFICATIONS

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P.G. 207 21, Pages 1-2

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OTHER MISCONDUCT
AGAINST MEMBERS OF THE SERVICE**

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CONDUCT**

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P.G. 203-10, Page 1, Paragraph 2

**PUBLIC CONTACT - PROHIBITED
CONDUCT**

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 22, 2018. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Sergeants Richard Currao and Tadeusz Jeremenko as witnesses. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find as follows:

Specification 1 (fail to notify Department): Guilty

Specification 2 (association with Person A): Guilty

Specification 3 (updated home address): Guilty

Specification 4 (misleading statements): Guilty

Specification 5 (association with Person B): Not Guilty

Recommended penalty: forty-five (45) vacation days, and one (1) year dismissal probation.

ANALYSIS

This case centers on allegations that Respondent wrongfully associated with two separate women, Person A and Person B, on different occasions. Respondent [REDACTED] 2006;

[REDACTED] 2012 [REDACTED] 2016. While he was [REDACTED]

Person B, Respondent dated Person A, [REDACTED] The charges in the first two specifications stem from Respondent's relationship with Person A between November 18, 2015 and June 26, 2016. It is alleged that even though Respondent had reason to believe that Person A had engaged in criminal activity, he continued to associate with her, and that he failed to notify the Department regarding a federal criminal investigation into her conduct.

Specifications 4 and 5 involve Respondent's relationship with Person B between May 11, 2016 and January 18,

2018. It is charged that Respondent continued to associate with Person B despite having reason to believe that she had been involved in criminal activity, and that he made inaccurate or misleading statements during two Department interviews regarding how lease payments were made for a business run by Person B. Specification 3 alleges that Respondent failed to notify the Department of a change in his home address. These charges will be considered in three separate sections below.

Specifications 1 and 2 (Person A)

Sergeant Richard Currao of the NYPD's Drug Enforcement Task Force testified that he was part of a team investigating money laundering in early 2015. Working with DEA agents from Florida, the team conducted surveillance at a Manhattan location on January 16. They observed a white minivan parked in front of the location; the driver was later determined to be Person A, and the van belonged to Respondent, who was not present. Two women emerged from a building and approached the van, one of whom was carrying a large gift bag; that woman was later identified as Person A's [REDACTED]. The team stopped the women as they were about to enter the van, and recovered approximately \$150,000 in cash from the bag. They also recovered a separate \$7,000 in cash from a console or glove compartment in the front of the vehicle. At the time, Person A did not tell the sergeant that the money was Respondent's rent money, and that she was supposed to deposit it for him. (Tr. 21-26, 34)

All three women were taken into custody and arrested for money laundering. The two women with Person A were younger and uncooperative. Sergeant Currao testified that he heard Person A tell them, essentially, "Calm down, it's just money. We are going to be let go." The women were brought to the precinct for processing, but within the next hour the officers consulted with prosecutors and decided to decline prosecution against all three of the women.

Sergeant Currao explained that they did not want to jeopardize the larger investigation by pursuing a case in court against the three women at that time. (Tr. 25-27, 31-32, 34)

Sergeant Currao was informed by one of the DEA agents that Respondent met with the agents on November 18, 2015. The meeting was precipitated by a letter sent from the asset forfeiture unit regarding the money that was seized. At the meeting, Respondent identified himself as a member of service, and informed the agents that the \$7,000 seized was rent money that he had given to Person A to deposit in the bank. No money was returned. Meanwhile, the agents explained to Respondent that the three women had been arrested that day, that approximately \$157,000 was seized, and that there was an on-going money laundering investigation. Sergeant Currao acknowledged that Person A was not subsequently charged in connection with this investigation. (Tr. 27-30, 36-38, 40)

Sergeant Tadeusz Jeremenko of IAB testified that Sergeant Currao notified the Department following the DEA's November 18 meeting with Respondent, but that there was no such notification from Respondent. (Tr. 42-43)

Respondent testified that after the January 16 incident, Person A, told him that her niece had been stopped by agents outside her mother's apartment, while Person A sat in the van waiting for mail to be picked up. Another agent asked Person A if there was any more money inside the vehicle. Person A told the agent about Respondent's rent money (approximately \$6,600), which was seized by the agents. Person A told Respondent that she, her daughter, her niece, and her grandson were taken inside the apartment, where the agents took fingerprints, ran their names, and let them go. (Tr. 83-85, 96)

Months later, Respondent received a letter regarding the money that was seized. Respondent answered the letter, and arrangements were made for Respondent to meet with DEA agents, which he did on November 18. Respondent testified that at the meeting, the agents asked

him about his finances, specifically where the money in the van came from. They also asked Respondent about the people who were present at the scene, and informed Respondent that it was an on-going investigation. (Tr. 85-87, 95) Respondent acknowledged that he continued his relationship with Person A, who was his girlfriend at the time, even after his meeting with the DEA agents, and that he did not notify the Department about what had transpired even though the DEA had seized his money. (Tr. 88, 114)

Specification 1 charges Respondent with failing to notify the Department regarding Person A's arrest on January 16, 2015, even after DEA agents personally apprised him of their ongoing investigation 10 months later and questioned him as well. Not only was Respondent told of Person A's arrest, he was informed that there was an additional \$150,000 seized, and that the money laundering investigation was on-going. Respondent, himself, was questioned about his finances, since he claimed ownership of approximately \$7,000 of the money that was recovered inside the van driven by Person A. Also, the van, itself, belonged to Respondent. Sergeant Currao came across as extremely professional and credible as he described the serious nature of the money laundering investigation for which Person A was initially taken into custody, and he notified the Department following Respondent's meeting with DEA agents on November 18.

Nevertheless, Respondent, himself, failed to notify the Department regarding what transpired. Respondent essentially concedes as much, arguing that it was an oversight and not a major offense. Since it is undisputed that Respondent did not notify the Department, I find him guilty of Specification 1.

Specification 2 charges Respondent with knowingly associating with Person A, despite having reason to believe that she had engaged in criminal activity. Section 203 10 (2)(c) of the Patrol Guide prohibits members of service from knowingly associating with any person

"reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities."

The time period of the specification begins with Respondent's meeting with the DEA agents on November 18, 2015, and includes the ensuing seven months where he and Person A continued to date until they were married on June 27, 2016. Respondent argues that Person A told him they ran her name and let her go, and he believed that Person A's niece was the actual target of the probe. Also, Person A was not ultimately prosecuted for any wrongdoing in connection with this investigation.

However, even if Person A initially provided a more innocuous description of events to Respondent, the DEA agents provided a serious account to Respondent during their meeting on November 18. Specifically, they informed him that Person A and the others all were arrested in connection with a money laundering investigation involving the DEA. Aside from the approximately \$7,000 that was recovered from his personal vehicle, an additional \$150,000 was seized. They also informed Respondent that the investigation was continuing. Respondent, himself, was questioned as to his finances and his knowledge of the people arrested.

Based on his meeting with the DEA agents, Respondent had more than enough information to alert him to the need to discontinue his association with Person A. After hearing the agents' account, Respondent had reason to believe that Person A had engaged in criminal activity of a very serious nature, while driving his vehicle. Nevertheless, Respondent continued this relationship even after this meeting. Accordingly I find Respondent guilty of Specification 2.

Specifications 4 and 5 (Person B)

Sergeant Tadeusz Jeremenko of IAB testified that in February of 2012, Person B, Respondent's [REDACTED] was arrested for criminal possession of marijuana. The arrest

stemmed from an undercover operation at Person B's hair salon [REDACTED]

[REDACTED] Marijuana was purchased from a worker named Person C inside the location on two occasions, leading to the issuance of a search warrant. Subsequently, a third buy was made from Person C. When the warrant was executed, Person B was among those arrested. There was no allegation that Person B, herself, sold drugs from the location, and her case was

[REDACTED]. (Tr. 48-49, 62-68)

After Respondent and Person B [REDACTED] they continued to associate. For instance, in June of 2015 Respondent began leasing property [REDACTED], next door to Person B's former salon. A barber shop was opened at the location, which was run by Person B, even after she and Respondent [REDACTED] (Tr. 51)

Sergeant Jeremenko testified that he interviewed Respondent on March 24, 2017 and September 27, 2017. (Tr. 53 55, 60 61) An audio recording of those interviews, along with the accompanying transcripts, were admitted into evidence (Dept. Ex. 2, 2a, and 2b). The relevant pages and lines from the transcripts were specified in a document submitted by the Department Advocate (Ct. Ex. 1).

At the start of the March 24 interview, Respondent was told he was being questioned regarding an allegation of criminal association. Respondent volunteered that the lease for the barber shop was in his name. He maintained, however, that he did not benefit financially from the property. Respondent stated that he originally intended to open a liquor store there, but realized he was prohibited from doing so while still on the job. Instead, he opened the barber shop, which was run by a woman who Respondent initially avoided naming. (Dept. Ex. 2a at 28-31) Respondent eventually acknowledged that it is [REDACTED] Person B, who is running the business. When asked how the lease payments were made, Respondent answered that he did not know. (Dept. Ex. 2a at 55)

When Respondent was re-interviewed on September 27, he again was asked who was making the lease payments. Without hesitation, Respondent answered that Person B made the payments with a money order that was taken to the store. (Dept. Ex. 2b at 11) A few minutes later, Respondent reiterated that lease payments were made through a money order. He stated that he believed they put money into a money order, which was then taken over to the lease company. (Dept. Ex. 2b at 16) However, after being pressed again regarding the form of the lease payments, there was a pause of several seconds before Respondent apologized for forgetting that there was a Wells Fargo account in his name that was used to pay the lease. Specifically, since the lease for the barber shop was in his name, Respondent opened the Wells Fargo account so that the lease payments would be made with checks in his name. He had an arrangement with Person B whereby Respondent signed numerous checks in advance and gave them to Person B to use to pay the lease. Person B would deposit money into the Wells Fargo account, and then use the checks signed by Respondent to pay the lease. Person B would arrange for the payments to be delivered to the lease owner; Respondent had no part in that. The questioner produced one such check from July of 2017, which Respondent acknowledged signing. Respondent claimed that he was not trying to be evasive in his answers earlier in the interviews, insisting that he just completely forgot about the Wells Fargo account. (Dept. Ex. 2b at 17-19, 26)

At trial, Respondent confirmed that since the lease was in his name, checks from the Wells Fargo account were used to pay the lease. He testified that he signed approximately six checks at a time from the Wells Fargo account, and gave the checks to Person B deposited money to cover the lease payments into that account, and then used the checks signed in advance by Respondent to pay the lease. Respondent had no involvement in physically delivering the lease payments, and he obtained no financial benefit from the barber shop, which was operated

by Person B. Respondent claimed that initially he forgot about the checks, but later in the second interview he remembered and told the interviewers about the Wells Fargo account. Respondent also acknowledged that he received statements from that account. (Tr. 91-93, 106-109, 112)

Regarding Person B's 2012 arrest, Respondent testified that Person B, [REDACTED]

[REDACTED] was not present when the marijuana sales were made. According to Person B, the arresting detective even told her that they knew she wasn't involved in the sales. Respondent, himself, was not present when the search warrant was executed. (Tr. 89-90, 96)

Specification 5 charges Respondent with knowingly associating with Person B, despite having reason to believe that she had engaged in criminal activities. The time period for the specification begins on May 11, 2016, after Respondent and Person B were divorced. The Department Advocate contends that based on Person B's marijuana arrest in February of 2012, Respondent's continued association with her [REDACTED] constituted misconduct.

However, the charges against Person B were adjourned in contemplation of dismissal, and ultimately dismissed, presumably before [REDACTED] four years later.

Moreover, there was no evidence presented that Person B physically possessed marijuana. To the contrary, another individual was selling marijuana from the salon, and I credit Respondent's testimony that Person B was not even present when the first two undercover purchases were made. Under the totality of these specific circumstances, the credible evidence has failed to establish that Respondent had reason to believe that Person B engaged in criminal activities. As such, his continued association with her four years later was not improper, and I find him not guilty of Specification 5.

Specification 4 charges Respondent with making inaccurate or misleading statements during two Department interviews regarding lease payments. On the one hand, Respondent did initially volunteer that he had a connection to the barber shop. However, when asked specific

questions about how the lease payments were made. Respondent was less than candid in his responses. In his March 24, 2017 interview, Respondent stated he did not know how the lease payments were made. When he was re-interviewed on September 27, 2017, Respondent did not hesitate in stating, more than once, that the lease payments were made with money orders. After the questioning persisted, Respondent finally acknowledged that the lease payments had been made through a Wells Fargo account in his name.

Respondent contended that he initially did not recall having signed checks from the Wells Fargo account to cover the lease payments. Having carefully reviewed Respondent's two Department interviews, and after observing his testimony at trial, I do not credit his claim that he forgot about the checks. Checks signed by him were used to make lease payments as late as July of 2017. Even if he signed the July check several months earlier and gave it to Person B in advance, the signing of that check would have happened close enough in time to his March 24, 2017 interview for him to remember it. Moreover, Respondent admitted that after the March interview, he consulted with Person B about the barber shop and discussed taking the billing out of his name. Nevertheless, when he was re-interviewed in September, Respondent continued to insist multiple times that the lease payments were made with money orders. Further, in the September interview Respondent acknowledged receiving bank statements from the Wells Fargo account and being aware that the amount of money going into the account was the same as what came out, which makes his claim that he simply forgot about the account incredible.

Even though the credible evidence did not establish that his continued association with Person B was improper, Respondent still had an obligation to be truthful and completely forthcoming in his Department interviews. This he failed to do, and I find Respondent guilty of Specification 4.

Specification 3 (updated address)

Sergeant Jeremenko testified that as part of his investigation he did a background check on Respondent. That check revealed that Respondent's address was listed with the Department as [REDACTED]. However, based on surveillance conducted by IAB, it was determined that Respondent actually was residing at [REDACTED]. In his first Department interview on March 24, 2017, Respondent confirmed as much, explaining that he had been staying at the [REDACTED] location while construction was being done at his [REDACTED] home. Sergeant Jeremenko maintained that surveillance revealed that Respondent was living in [REDACTED] even longer than the four months. Both properties were multi-family homes owned by Respondent. After his Department interview in March, Respondent updated his address information with the Department. (Tr. 44-46, 68-74)

Respondent testified that the [REDACTED] address was originally his primary residence, and that the property in [REDACTED] was a rental. Respondent claimed that he was living back and forth between both places. (Tr. 93-94)

Specification 3 charges Respondent with failing to notify the Department regarding his change of address. Section 203-24 of the Patrol Guide requires members of service to "provide accurate and current personal information to the Department immediately upon a change." The term "personal information" includes a member's residence.

Here, the credible evidence has established that Respondent was residing at the [REDACTED] [REDACTED] address for at least the four months preceding his first Department interview on March 24, 2017. Nevertheless, Respondent failed to update his address with the Department. Respondent claimed he relocated while renovations were being done at his [REDACTED] [REDACTED] residence. However, even if that were true, Respondent still had an obligation to keep the

Department updated as to his current abode. This he failed to do, and I find Respondent guilty of Specification 3.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined.

See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on December 8, 1997. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum. In 2000, Respondent forfeited thirty (30) suspension days and was placed on one (1) year dismissal probation after he was arrested for speeding in North Carolina in 1998.

Respondent has been found guilty of four of the five specifications against him. One of the guilty findings was for making a false or misleading statement during two Department interviews. To his credit, early in the March interview Respondent did volunteer that the lease for the barber shop was in his name. Also, in the September interview Respondent did eventually acknowledge that the lease payments had been made with checks in his name from a Wells Fargo account. However, Respondent deliberately misled his questioners by initially making no mention of the Wells Fargo account, instead stating, multiple times, that the lease payments were made with money orders. Even though Respondent has been found not guilty of criminal association with his ex-wife Person B, he still had a responsibility to be more forthcoming than he was during his Department interviews.

In *Disciplinary Case No. 2016-15648* (Oct 4, 2017), a 10-year police officer with no disciplinary history negotiated a penalty of twenty (20) vacation days for twice impeding an official Department investigation by making misleading or otherwise inaccurate statements during Department interviews. And in *Disciplinary Case No. 2015-14783* (June 8, 2017), a 17-year officer with no disciplinary history negotiated a penalty of twenty-five (25) vacation days

for giving evasive and purposely vague answers during his Department interview. In that matter, the officer also failed to properly notify the Department prior to testifying as a civilian witness in a criminal trial.

In the matter involving Person A, Respondent has been found guilty of two additional charges. Respondent met with DEA agents and was apprised that Person A had been arrested as part of an ongoing money laundering investigation. Respondent, himself, was even questioned about his own finances in connection with some of the money that was seized, and it was his van that Person A was driving. This tribunal is mindful that Respondent, himself, did not face any charges implicating him in the money laundering investigation itself. Nevertheless, Respondent's conduct in this matter was troubling. Not only did he fail to report these events to the Department, he continued his relationship with Person A in violation of the Patrol Guide's strict prohibition against such associations.

In Disciplinary Case No. [REDACTED] a 12-year sergeant with no disciplinary history negotiated a penalty of thirty (30) vacation days and one (1) year dismissal probation for criminal association, failing to notify the Department after witnessing the arrest of her boyfriend as part of a gang and narcotics conspiracy and having her residence searched by federal law enforcement agents, and failing to notify the Department of a change in residence.

The Department Advocate recommends termination. On the one hand, this tribunal is mindful of the serious nature of the misconduct here, where Respondent has demonstrated a pattern of exceedingly poor judgment. However, under the totality of circumstances of this case, including the not guilty finding on one of the criminal association counts, the fact that Respondent eventually did acknowledge the Wells Fargo account during his Department interview in September, and in light of the relevant precedent, an alternative approach is appropriate here. A penalty that imposes a significant loss of vacation days, in addition to a

period of monitoring, should fairly and adequately resolve this matter. Accordingly, I recommend that Respondent forfeit forty five (45) vacation days, and further that Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one (1) year pursuant to Section 14-115(d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
SERGEANT GERARD LONG
TAX REGISTRY NO. 920516
DISCIPLINARY CASE NO. 2017-17372

Respondent was appointed to the Department on December 8, 1997.

On his last three annual performance evaluations, Respondent received three overall ratings of 4.0 "Highly Competent" in 2015, 2014, and 2013. Respondent was awarded one medal for Excellent Police Duty.

In his twenty-years of service, Respondent has reported sick on [REDACTED]
[REDACTED]

On October 31, 2000, Respondent was placed on one-year dismissal probation and forfeited thirty (30) suspension days after he was arrested for speeding in North Carolina in 1998.

On August 4, 2017, Respondent was placed on Level 2 Disciplinary Monitoring in connection with the instant case; that monitoring remains ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials